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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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23696	7590	10/05/2005	EXAMINER	
Qualcomm, NC 5775 Morehouse Drive San Diego, CA 92121			DANIEL JR, WILLIE J	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/092,770		COOPER, ROTEM	
	Examiner		Art Unit	
	Willie J. Daniel, Jr.		2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's RCE amendment filed on 10 August 2005. **Claims 1-25** are now pending in the present application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 August 2005 has been entered.

Claim Objections

3. **Claim 1** is objected to because of the following informalities:
 - a. **Claim 1** has been amended but Applicant failed to mark-up (i.e., strike-through) the limitation "...based upon respective system desirability levels..." in line(s) 12 of the claim. This limitation omitted from the amended claim was part of the previously amended claim. Examiner interprets as though the Applicant intended to omit this limitation from the amended claim.
 - b. **Claims 15** and **21** have a similar informality as indicated for claim 1.
4. Appropriate correction is required.

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5. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Raffel (WO 99/01001)** in view of **English (US 5,870,674)** and **Bamburak et al. (hereinafter Bamburak) (US 6,311,064 B1)**.

Regarding **Claim 1**, Raffel discloses in a mobile station storing a list of wireless communications systems, a system acquisition procedure comprising the steps of

and maintaining, by the mobile communication device (100) which reads on the claimed “mobile station”, system priority data, the system priority data including a first plurality of system identifiers and corresponding priority criteria including statistical information regarding acquisition/registration attempts by the mobile station (100) (see page 19, lines 21-24; page 20, line 4 - page 21, line 28; Figs. 5, 6, and 7), where the search schedules have acquisition/registration success rate are maintained in an order with the priority criteria;

selecting, by the mobile station, a group of wireless communications systems from the list in accordance with a predetermined system selection procedure, the group of wireless

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communications systems having a first system acquisition order (see page 19, lines 21-24; page 20, line 4 - page 21, line 28; Figs. 5, 6, and 7), where the systems are selected from search schedules;

reprioritizing the group of wireless communications systems in accordance with the priority criteria, the reprioritized group of wireless communications systems having a second system acquisition order (see page 19, lines 21-24; page 20, line 4 - page 21, line 28; Figs. 5, 6, and 7), where the search schedules has priority criteria based on the acquisition/registration success rate which are maintained in an order with the priority criteria; and

attempting, by the mobile station, to acquire the wireless communications system in the reprioritized group of wireless communications systems that has a highest priority (see page 19, lines 21-24; page 20, line 4 - page 21, line 28; Figs. 5, 6, and 7), where the acquisition/registration success rate are maintained in an order with the priority criteria.

Raffel fails to disclose having the feature creating, by the mobile station, system priority data; reprioritizing, by the mobile station. However, the examiner maintains that the feature creating, by the mobile station, system priority data was well known in the art, as taught by English.

In the same field of endeavor, English discloses the feature creating, by the mobile station (MMSS 1), system priority data (see col. 4, lines 3-7, 21-37; col. 5, lines 3-35; col. 6, lines 41-48; Fig. 2A "ref. 26"), where the subscriber station (1) maintains priority data such as acquisition parameters.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel and English to have the feature creating, by the mobile station, system priority data, in order to maintain a list of systems, as taught by English (see col. 2, lines 26-28). The combination of Raffel and English fails to disclose having the feature reprioritizing, by the mobile station. However, the examiner maintains that the feature reprioritizing, by the mobile station was well known in the art, as taught by Bamburak.

In the same field of endeavor, Bamburak discloses the feature reprioritizing, by the mobile station (see col. 11, lines 2-8; Fig. 10), where the communications device use a search algorithm to check desirable service providers in the table of providers is updated.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel, English, and Bamburak to have the feature reprioritizing, by the mobile station, in order for locating a particular or desirable communications service provider in an environment having a plurality of service providers, as taught by Bamburak (see col. 3, lines 51-54).

Regarding **Claim 2**, the combination of Raffel, English, and Bamburak discloses every limitation claimed, as applied above (see claim 1), in addition Raffel further discloses the method of Claim 1 wherein the list of wireless communications systems is a preferred roaming list including a geographic region identifier, wherein the step of selecting a group of wireless communications systems comprises the steps of:

determining, by the mobile station, a current geographic region of the mobile station (100) (see page 20, lines 15-27; page 24, lines 14 - page 25, line 1; page 27, lines 1-10; Fig. 2); and

searching, by the mobile station, the preferred roaming list for wireless communications systems having a geographic region identifier that corresponds to the current geographic region of the mobile station (100) (see page 20, lines 15-27; page 24, lines 14 - page 25, line 1; page 27, lines 1-10; Figs. 2, 5-6), and

wherein the first system acquisition order is dictated by the relative order of the selected wireless communications systems in the preferred roaming list (see page 20, lines 15-27; page 24, lines 14 - page 25, line 1; page 27, lines 1-10; Figs. 2, 5-6).

Regarding **Claim 3**, Raffel fails to disclose the feature wherein at least two of the selected systems share the same level. Raffel fails to disclose having the feature wherein at least two of the selected systems share the same level. However, the examiner maintains that the feature wherein at least two of the selected systems share the same level was well known in the art, as taught by English.

English further discloses wherein at least two of the selected systems share the same level (see col. 3, lines 8-29; col. 4, lines 3-7; col. 5, lines 26-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel, English, and Bamburak the feature wherein at least two of the selected systems share the same level, in order to maintain a list of systems, as taught by English (see col. 2, lines 26-28).

Regarding **Claim 4**, Raffel discloses of sorting the located systems using the priority criteria (see page 20, line 4 - page 24, line 2; Figs. 6-7). Raffel fails to disclose having the feature locating, by the mobile station, selected systems that share the same desirability level; sorting by the mobile station. However, the examiner maintains that the feature locating, by the mobile station, selected systems that share the same desirability level; sorting, by the mobile station was well known in the art, as taught by English.

English further discloses the feature locating, by the mobile station, selected systems that share the same desirability level (see col. 3, lines 8-29; col. 5, lines 26-35);

sorting, by the mobile station (1) (see col. 2, lines 40-42; col. 4, lines 3-7, 21-37; col. 5, lines 3-35; col. 6, lines 41-48; Fig. 2A “ref. 26”), where the subscriber station (1) maintains priority data such as acquisition parameters ranking the systems.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel, English, and Bamburak the feature locating, by the mobile station, selected systems that share the same desirability level; sorting by the mobile station, in order to maintain a list of systems, as taught by English (see col. 2, lines 26-28).

Regarding **Claim 7**, Raffel discloses detecting a communications event for a currently selected wireless communications system, the currently selected wireless communications system having a corresponding system identifier (see page 21, lines 2-7; page 23, line 23 - page 25, line 25), and

updating an entry in the system priority data to reflect the occurrence of the detected communications event, the updated entry including the corresponding system identifier (see

page 21, lines 2-7; page 23, line 23 - page 25, line 25; Figs. 5-6). Raffel fails to disclose having the feature by the mobile station. However, the examiner maintains that the feature 1 by the mobile station was well known in the art, as taught by English.

English further discloses the feature by the mobile station (1) (see col. 2, lines 40-42; col. 4, lines 3-7, 21-37; col. 5, lines 3-35; col. 6, lines 41-48; Fig. 2A “ref. 26”), where the subscriber station (1) maintains priority data such as acquisition parameters for ranking the systems which detects and updates the list accordingly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel, English, and Bamburak the feature by the mobile station, as taught by English (see col. 2, lines 26-28).

Regarding **Claim 8**, the combination of Raffel, English, and Bamburak discloses every limitation claimed, as applied above (see claim 7), in addition Raffel further discloses wherein the statistical information further includes information regarding system acquisition failures and system access failures (see page 21, lines 2-14; Fig. 6).

Regarding **Claim 9**, the combination of Raffel, English, and Bamburak discloses every limitation claimed, as applied above (see claim 7), in addition Raffel further discloses wherein the corresponding system identifier includes a mode and a frequency (see page 21, lines 8-24; Figs. 1, 5-7).

Regarding **Claim 10**, Raffel discloses wherein the step of updating further comprises calculating an occurrence rate of the detected event for the currently selected wireless communications system and storing the calculated occurrence rate (see page 21, lines 2-19; Figs. 6-7). Raffel fails to disclose having the feature by the mobile station. However, the

examiner maintains that the feature 1 by the mobile station was well known in the art, as taught by English.

English further discloses the feature by the mobile station (1) (see col. 2, lines 40-42; col. 4, lines 3-7, 21-37; col. 5, lines 3-35; col. 6, lines 41-48; Fig. 2A “ref. 26”), where the subscriber station (1) maintains priority data such as acquisition parameters for ranking the systems which detects and updates the list accordingly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel, English, and Bamburak the feature by the mobile station, as taught by English (see col. 2, lines 26-28).

Regarding **Claim 11**, the combination of Raffel, English, and Bamburak discloses every limitation claimed, as applied above (see claim 10), in addition Raffel further discloses wherein the detected event is a successful signal acquisition and the calculated occurrence rate is a signal acquisition success rate (see page 21, lines 2-14; Figs. 6-7).

Regarding **Claim 12**, the combination of Raffel, English, and Bamburak discloses every limitation claimed, as applied above (see claim 10), in addition Raffel further discloses wherein the detected event is a failed system access attempt and the calculated occurrence rate is a system access failure rate (see page 21, lines 2-14; Figs. 6-7).

Regarding **Claim 13**, the combination of Raffel and English discloses every limitation claimed, as applied above (see claim 1), in addition Raffel further discloses wherein the step of reprioritizing comprises sorting the group of wireless communications systems in accordance with the priority criteria (see page 20, lines 22-27; page 21, line 2 - page 26, line 2; Figs. 6-7). Raffel fails to disclose having the feature sorting by the mobile

station. However, the examiner maintains that the feature was well known in the art, as taught by English.

English further discloses the feature sorting, by the mobile station (1) (see col. 2, lines 40-42; col. 4, lines 3-7, 21-37; col. 5, lines 3-35; col. 6, lines 41-48; Fig. 2A “ref. 26”), where the subscriber station (1) maintains priority data such as acquisition parameters ranking the systems.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel, English, and Bamburak the feature sorting by the mobile station, in order to maintain a list of systems, as taught by English (see col. 2, lines 26-28).

Regarding **Claim 14**, the combination of Raffel, English, and Bamburak discloses every limitation claimed, as applied above (see claim 1), in addition Raffel further discloses wherein, if the attempted system acquisition and access fails, the step of attempting is repeated with the listed system having a next highest priority in the group (see page 21, line 2-27; page 13, line 16 - page 14, line 6; Fig. 9).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Raffel (WO 99/01001)** in view of **English (US 5,870,674)** and **Bamburak et al.** (hereinafter Bamburak) (**US 6,311,064 B1**) as applied to claim 3 above, and further in view of **Haberman et al.** (hereinafter Haberman) (**US 5,613,204**).

Regarding **Claim 5**, the combination of Raffel, English, and Bamburak fails to disclose the features for each selected system, adjusting the corresponding desirability level

if the corresponding priority criteria exceeds a first threshold, the adjusted desirability criteria being stored in the group of wireless communications systems; and sorting the group of wireless communications systems using the adjusted desirability levels. However, the examiner maintains that the features for each selected system, adjusting the corresponding desirability level if the corresponding priority criteria exceeds a first threshold, the adjusted desirability criteria being stored in the group of wireless communications systems; and sorting the group of wireless communications systems using the adjusted desirability levels was well known in the art, as taught by Haberman.

In the same field of endeavor, Haberman discloses the features for each selected system, adjusting the corresponding desirability level if the corresponding priority criteria exceeds a first threshold (or window), the adjusted desirability criteria being stored in the group of wireless communications systems (see col. 11, lines 2-9,40-46; col. 9, line 61 - col. 10, line 10; col. 10, lines 47-58; Fig. 5); and

sorting the group of wireless communications systems using the adjusted desirability levels (see col. 11, lines 2-9,40-46; col. 9, line 61 - col. 10, line 10; col. 10, lines 47-58; Fig. 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel, English, and Haberman to have the features for each selected system, adjusting the corresponding desirability level if the corresponding priority criteria exceeds a first threshold, the adjusted desirability criteria being stored in the group of wireless communications systems; and sorting the group of wireless communications systems using the adjusted desirability levels, in order to balance

the desire for a higher priority service provider and the need for the highest quality of communication, as taught by Haberman.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Raffel (WO 99/01001)** in view of **English (US 5,870,674)** and **Bamburak et al. (hereinafter Bamburak) (US 6,311,064 B1)** as applied to claim 3 above, and further in view of **Lynch et al. (hereinafter Lynch) (US 5,586,338)**.

Regarding **Claim 6**, the combination of Raffel, English, and Bamburak lacks the feature wherein the step of reprioritizing comprises removing a selected system from the group if its corresponding priority criteria exceeds a second threshold. However, the examiner maintains that the feature wherein the step of reprioritizing comprises removing a selected system from the group if its corresponding priority criteria exceeds a second threshold was well known in the art, as taught by Lynch.

In the same field of endeavor, Lynch discloses the feature wherein the step of reprioritizing comprises removing a selected SID which reads on the claimed “system” from the group if its corresponding priority criteria exceeds a second threshold (see col. 9, line 9 - col. 10, line 67; Figs. 5-6), where the removing of a SID would be obvious when selecting according to the criterion for priority which has a high and low tolerance for the preferred list.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel, English, Bamburak, and Lynch to have the feature wherein the step of reprioritizing comprises removing a selected system

from the group if its corresponding priority criteria exceeds a second threshold, in order to select SIDs based on the priority criteria of the preferred list, as taught by Lynch.

Claims 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Raffel (WO 99/01001)** in view of **English (US 5,870,674)**.

Regarding **Claim 15**, Raffel discloses the feature detecting a communications event for a currently selected wireless communications system, the currently selected wireless communications system having a corresponding system identifier (see page 21, line 2-27; page 23, line 23 - page 25, line 25; Figs. 1, 5-7); and

updating an entry in the system priority data to reflect statistical information regarding acquisition/registration attempts regarding the detected communications event (see page 21, line 2-27; page 23, line 23 - page 25, line 25; Figs. 1, 5-7). Raffel fails to disclose having the feature by the mobile station. However, the examiner maintains that the feature 1 by the mobile station was well known in the art, as taught by English.

English further discloses the feature by the mobile station (1) (see col. 2, lines 40-42; col. 4, lines 3-7, 21-37; col. 5, lines 3-35; col. 6, lines 41-48; Fig. 2A “ref. 26”), where the subscriber station (1) maintains priority data such as acquisition parameters for ranking the systems which detects and updates the list accordingly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel and English the feature by the mobile station, as taught by English (see col. 2, lines 26-28).

Regarding **Claim 16**, the combination of Raffel and English discloses every limitation claimed, as applied above (see claim 15), in addition Raffel further discloses wherein said statistical information further comprise information regarding system acquisition failures and system access failures (see page 21, lines 2-27; Figs. 6-7).

Regarding **Claim 17**, the combination of Raffel and English discloses every limitation claimed, as applied above (see claim 15), in addition Raffel further discloses wherein said statistical information further comprise information regarding successful system acquisitions, successful system accesses and signal power measurements (page 17, lines 14-17; page 21, lines 2-27; Figs. 6, 10-12).

Regarding **Claim 18**, Raffel discloses wherein the step of updating further comprises calculating an occurrence rate of the detected event for the currently selected wireless communications system and storing the calculated occurrence rate (see page 21, lines 2-19; Figs. 6-7). Raffel fails to disclose having the feature by the mobile station. However, the examiner maintains that the feature by the mobile station was well known in the art, as taught by English.

English further discloses the feature by the mobile station (1) (see col. 2, lines 40-42; col. 4, lines 3-7, 21-37; col. 5, lines 3-35; col. 6, lines 41-48; Fig. 2A “ref. 26”), where the subscriber station (1) maintains priority data such as acquisition parameters for ranking the systems which detects and updates the list accordingly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel, English, and Bamburak the feature by the mobile station, as taught by English (see col. 2, lines 26-28).

Regarding **Claim 19**, the combination of Raffel and English discloses every limitation claimed, as applied above (see claim 15), in addition Raffel further discloses wherein each entry in the system priority data includes a timestamp and wherein the entries in the system priority data are deleted after a certain duration of time (see page 21, line 15-22; Fig. 6), where the frequency are counted and have time-weighted registrations in which the deletion would be obvious.

Regarding **Claim 20**, Raffel discloses of wherein the step of updating further comprises calculating a priority metric based on a plurality of priority criteria, the priority metric representing the likelihood that an attempt to acquire and register with a corresponding wireless communications system will be successful (see page 21, lines 2-26; Figs. 6-7), where search schedule calculates the number of acquisitions according to frequency, SID, SOC to determine the success and failure of registration with a system. Raffel fails to disclose having the feature by the mobile station. However, the examiner maintains that the feature 1 by the mobile station was well known in the art, as taught by English.

English further discloses the feature by the mobile station (1) (see col. 2, lines 40-42; col. 4, lines 3-7, 21-37; col. 5, lines 3-35; col. 6, lines 41-48; Fig. 2A "ref. 26"), where the subscriber station (1) maintains priority data such as acquisition parameters for ranking the systems which detects and updates the list accordingly.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel, English, and Bamburak the feature by the mobile station, as taught by English (see col. 2, lines 26-28).

Regarding **Claim 21**, Raffel discloses a mobile station (100) (see Fig. 4) comprising:
a memory (108), in the mobile station, storing a preferred roaming list, the preferred roaming list including a first plurality of system identifiers and corresponding acquisition parameters (see pg. 12, lines 17-24; page 19, lines 21-24; page 20, line 4 - page 21, line 28; Figs. 4, 6, and 7); and

control system (106) which reads on the claimed “processing circuitry” adapted to maintain system priority data, the system priority data being stored in the memory and including a second plurality of system identifiers and corresponding priority criteria including statistical information regarding acquisition/registration attempts by the mobile station (100) (see pg. 12, lines 17-24; page 19, lines 21-24; page 20, line 4 - page 21, line 28; Figs. 4 and 6),

wherein the processing circuitry (106) is further adapted to detect a communications event for a currently selected wireless communications system and update the statistical information in the system priority data to reflect the occurrence of the detected communications event (see pg. 12, lines 17-24; page 19, lines 21-24; page 20, line 4 - page 21, line 28; Figs. 4 and 6), where the control system detects communication events. Raffel fails to disclose having the feature in the mobile station, adapted to create system priority data. However, the examiner maintains that the feature in the mobile station, adapted to create system priority data was well known in the art, as taught by English.

English further discloses the feature in the mobile station (MMSS 1), adapted to create system priority data (see col. 4, lines 3-7, 21-37; col. 5, lines 3-35; col. 6, lines 41-48;

Fig. 2A “ref. 26”), where the subscriber station (1) has a system determination processor (8) that maintains priority data such as acquisition parameters.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel and English to have the feature in the mobile station, adapted to create system priority data, in order to maintain a list of systems, as taught by English (see col. 2, lines 26-28).

Regarding **Claim 22**, the combination of Raffel and English discloses every limitation claimed, as applied above (see claim 21), in addition Raffel further discloses the mobile station (100) of claim 21 wherein the processing circuitry comprises:

a system determination unit (106, i.e., microprocessor or microcomputer), in the mobile station, adapted to select wireless communications systems from the preferred roaming list in accordance with a predetermined system selection procedure, the selected wireless communications systems have a corresponding system acquisition order (see pg. 12, lines 17-24; page 19, lines 21-24; page 20, line 4 - page 21, line 28; page 23, line 23 - page 25, line 25; Figs. 4 and 6),

wherein the system determination unit (106, i.e., microprocessor or microcomputer) is further adapted to modify the system acquisition order based on the system priority data, the modified system acquisition order increasing the efficiency of the system acquisition process (see pg. 12, lines 17-24; page 19, lines 21-24; page 20, line 4 - page 21, line 28; page 23, line 23 - page 25, line 25; Figs. 4 and 6).

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Raffel (WO 99/01001)** in view of **English (US 5,870,674)** as applied to claim 3 above, and further in view of **Haberman et al. (hereinafter Haberman) (US 5,613,204)**.

Regarding **Claim 23**, the combination of Raffel and English discloses every limitation claimed, as applied above (see claim 22), in addition Raffel further discloses wherein the system determination unit (106) (see pg. 12, lines 17-24; page 19, lines 21-24; page 20, line 4 - page 21, line 28; page 23, line 23 - page 25, line 25; Figs. 4 and 6). The combination of Raffel and English fails to disclose having the feature is further adapted to adjust the corresponding desirability criteria of a selected system if the corresponding priority criteria exceeds a first threshold and sort the selected wireless communications systems using the adjusted desirability criteria. However, the examiner maintains that the feature is further adapted to adjust the corresponding desirability criteria of a selected system if the corresponding priority criteria exceeds a first threshold and sort the selected wireless communications systems using the adjusted desirability criteria was well known in the art, as taught by Haberman.

Haberman further discloses the feature is further adapted to adjust the corresponding desirability criteria of a selected system if the corresponding priority criteria exceeds a first threshold (or window) and sort the selected wireless communications systems using the adjusted desirability criteria (see col. 11, lines 2-9,40-46; col. 9, line 61 - col. 10, line 10; col. 10, lines 47-58; Fig. 5)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel, English, and Haberman the

feature is further adapted to adjust the corresponding desirability criteria of a selected system if the corresponding priority criteria exceeds a first threshold and sort the selected wireless communications systems using the adjusted desirability criteria, in order to balance the desire for a higher priority service provider and the need for the highest quality of communication, as taught by Haberman.

Regarding **Claim 24**, the combination of Raffel, English, and Haberman discloses every limitation claimed, as applied above (see claim 23), in addition Raffel further discloses the mobile station (100) of claim 23 wherein the processing circuitry (106) is further adapted to measure the power of a received signal corresponding to the currently selected wireless communications system and store the measured power in the system priority data (see page 17, lines 14-17; page 21, lines 2-14; Figs. 10-12).

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Raffel** (WO 99/01001) in view of **English** (US 5,870,674) and **Haberman et al.** (hereinafter Haberman) (US 5,613,204) as applied to claim 23 above, and further in view of **Schorman et al.** (hereinafter Schorman) (US 5,960,350).

Regarding **Claim 25**, the combination of Raffel, English, and Haberman discloses every limitation claimed, as applied above (see claim 23), in addition Raffel further discloses the processing circuitry (106) (see Fig. 4). Raffel, as combined with English and Haberman, lacks the feature is further adapted to calculate the signal to noise ratio E_c/I_o of a received signal corresponding to the currently selected wireless communications system and store the calculated signal to noise ratio E_c/I_o in the system priority data. However, the examiner

maintains that the feature is further adapted to calculate the signal to noise ratio E_c/I_o of a received signal corresponding to the currently selected wireless communications system and store the calculated signal to noise ratio E_c/I_o in the system priority data was well known in the art, as taught by Schorman.

Schorman discloses the feature is further adapted to calculate the signal to noise ratio E_c/I_o of a received signal corresponding to the currently selected wireless communications system and store the calculated signal to noise ratio E_c/I_o in the system priority data (see col. 3, lines 19-23; col. 4, lines 29-33).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Raffel, English, and Haberman with Schorman to have the feature is further adapted to calculate the signal to noise ratio E_c/I_o of a received signal corresponding to the currently selected wireless communications system and store the calculated signal to noise ratio E_c/I_o in the system priority data, in order to measure the relation of signal to noise interference of a signal, as taught by Schorman.

Response to Arguments

7. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8900.

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WJD,JR
03 October 2005

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